

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY AD D.C.

05 MAY 31 PM 2:32

ROBERT R. DI TROLIO
CLERK, U.S. DIST. CT.
WEST OF TN, MEMPHIS

WILLIAM M. LINEBERRY,

Petitioner,

vs.

WARDEN, FMC-BUTNER,

Respondent.

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X

No. 05-2104-M1/V

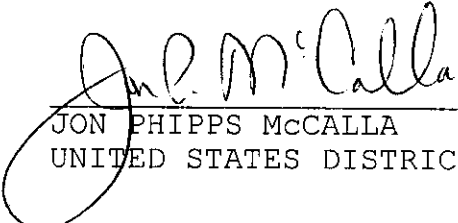
ORDER OF DISMISSAL

Petitioner William M. Lineberry, Bureau of Prisons inmate registration number 16394-076, an inmate at the Federal Medical Center in Butner, North Carolina, filed a pro se petition pursuant to 28 U.S.C. § 2241 on January 31, 2005. The Court issued an order on April 21, 2005 directing the petitioner, within thirty (30) days, to file a properly completed in forma pauperis affidavit demonstrating his indigency, along with an inmate trust fund account statement, or pay the habeas filing fee. Lineberry has not complied with, or otherwise responded to, this order, and the time set for compliance has expired.

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The April 21, 2005 order provided, in pertinent part, that "[f]ailure to timely comply with any requirement of this order will result in dismissal of the petition without further notice for failure to prosecute." 04/21/05 Order at 2. Accordingly, the Court DISMISSES this action without prejudice, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute.

IT IS SO ORDERED this 31 day of May, 2005.


JON PHIPPS McCALLA
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 5 in case 2:05-CV-02104 was distributed by fax, mail, or direct printing on June 2, 2005 to the parties listed.

William Mark Lineberry
FMC BUTNER
16394-076
P.O. Box 1600
Butner, NC 27509

Honorable Jon McCalla
US DISTRICT COURT